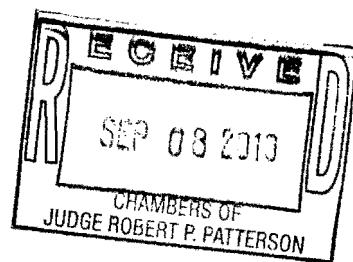


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September 8, 2010

MEMO ENDORSED

VIA FACSIMILE TO (212) 805-7917

Hon. Robert P. Patterson
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Levin v. Bank of New York, Case No. 09 Civ. 5900 (RPP) (S.D.N.Y.)

Dear Judge Patterson:

We represent defendants and third-party plaintiffs JPMorgan Chase Bank, N.A. ("JPMCB") and The Bank of New York Mellon ("BNYM") in the above-referenced proceeding.

Under the existing briefing schedule for the plaintiffs' motion for partial summary judgment, the defendant banks' responsive papers are presently due to be served and filed on Monday, September 13, 2010, with reply papers due on Friday, September 24 and oral argument scheduled to be heard on Wednesday, September 29. Counsel for defendants JPMCB, BNYM, Citibank, N.A. and Société Générale have reached an agreement with counsel for plaintiffs that the time for those four defendants to serve and file their responsive papers, if any, with respect to the plaintiffs' motion will be extended to Wednesday, September 15 and the time for plaintiffs to serve and file reply papers will be extended to Monday, September 27. This agreement is contingent on the Court's not changing the date for oral argument, *September 29, 2010*.

We respectfully request that the Court approve this modification to the briefing schedule for the motion.

Respectfully submitted,

J. Kelley Nevling, Jr.

*Application Granted
as so ordered
R.Patterson
9/8/10*

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Hon. Robert P. Patterson

September 8, 2010

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